



DECISION MEMO
Idaho Fish and Game
Cabin Improvements at Mackay Bar
USDA Forest Service, Northern Region
Nez Perce – Clearwater National Forest
Red River Ranger District
Idaho County, Idaho



I. Background

After having reviewed relevant data, analyses, and public comments relating to this proposal, I have decided to approve Idaho Fish and Game's request to build a 12' x 16' addition to the existing patrol cabin which will increase the sleeping capacity of the site from 4 people, to 10 people. The site of this project is located at Mackay Bar, legal coordinates T24N, R8E, Section 32 NWNW (Boise Meridian).

(See enclosed map.)

It should be noted that, although I am the District Ranger for the Salmon Ranger District, I have been delegated the authority for managing the Wild and Scenic River Corridor wherein this project is located.

Purpose and Need

Currently, Idaho Fish and Game (hereinafter referred to as "IF&G") has a special use permit (RED69) for a patrol cabin and sanitary facilities at Mackay Bar. The Mackay Bar cabin provides overnight lodging to IF&G employees as a "jump-off" point to manage the state's fish and game species in remote parts of central Idaho, including the Frank Church River of No Return Wilderness Area. The permit was reissued in 2009 and is valid to December 31, 2039. IF&G owns the cabin and outhouse structures. The cabin is approximately 12' x 20'. IF&G has requested an amendment to its permit to build a 12' x 16' addition onto the existing cabin. The addition will provide overnight housing for 6 additional employees in order to complete their work more efficiently.

The cabin is used for a long season, in the early spring and well into late fall. Records show a range of 15 to 50 people using the cabin annually. Groups stay from 4 to 15 nights per year.

Project Design/Environmental Mitigation

One large surface boulder will be moved to place the surface footings for the new addition and one hackberry tree at the corner will be cut. The boulder is not imbedded and can be rolled out of the way with a chain and pickup. Footings will be placed on the

surface of the ground, rather than using subsurface footings that will require ground disturbance. The building extension will be stick-built on site with hand tools, will tie into the existing roofline, and the exterior will be completed to match the existing structure.

It is anticipated that construction will begin in May 2014 and may take up to two weeks to complete. IF&G personnel intend to construct the cabin extension.

II. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined this project is not significant in either context or intensity (40 CFR 1508.27), that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined in 36 CFR 220.6(e)(3): *Approval/modification of a minor special use of NFS lands that requires less than five continuous acres of land.*

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions, 2) the proposed action meeting the purpose and need, 3) the findings related to extraordinary circumstances, discussed below, 4) the project's consistency with laws and regulations, 5) the on-the-ground review and discussion with District resource specialists, and 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

B. Finding of the Absence of Extraordinary Circumstances to Resource Conditions

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species:

The Interdisciplinary Team (ID Team) Botanist, Wildlife and Fish biologists determined the proposed actions will have no effect or impact on listed or sensitive plant, wildlife or fish species or habitat, and suitable habitat will not be altered; however, the Wildlife Biologist made the following comments with regard to wildlife present in the vicinity of the project site:

The Salmon River canyon in the vicinity of Mackay Bar is mapped as winter habitat, but not summer habitat, for bald eagles. Thus, bald eagles are not likely to be present in the vicinity of project activities during the summer months. There are no expected impacts to the habitat that bald eagles will be using during winter months (such as large trees for perching). Disturbance resulting from improvement activities may temporarily displace a wandering individual, but overall effects will be minor and of short duration. No changes to the population or viability will be expected.

There are no expected impacts to flammulated owl, pygmy nuthatch, white-headed woodpecker or bighorn sheep habitats. Disturbance resulting from improvement activities may temporarily displace local individuals but overall effects will be minor and of short duration. No changes to the population or viability will be expected.

Bats including fringed myotis, long-legged myotis, and Townsend's big-eared bat can be found foraging at low elevations in the Salmon River canyon at night and there is potential for them to forage in the airspace over the project area. Since bats are nocturnal and project activities will take place during the day, disturbances to foraging activity, if any, will be minor and of short duration. Tree and cave-related roosting sites will not be impacted by proposed activities. However, these bats sometimes use buildings as roost sites (e.g., under roof eaves, in gaps under siding) and it is possible that they may utilize the Mackay Bar patrol cabin as a roost site. Thus, there is potential for individuals to be impacted by project activities during the short time the patrol cabin is being expanded. This will not result in loss of population viability. The expansion of the cabin will actually expand building-related habitat for these bats, so potential impacts are positive. Any adverse effects during project activity are not expected to have any long-term impacts on the population and there will not be any net loss of to them from this project.

There are no expected impacts to gray wolf habitat. Disturbance resulting from improvement activities may temporarily displace local individuals but overall effects will be minor and of short duration. No changes to the population or viability will be expected.

Ring-necked snakes can be found in open, rocky canyons. They can also be found near buildings and associated debris. Their known range includes areas in the Salmon River Canyon below Riggins, ID, which is downriver from the Mackay Bar project area. It is possible that a den could be located near the existing patrol cabin or adjacent boulder. Thus, individual ring-necked snakes may be impacted by project activities during the short time the patrol cabin is being expanded. This will not result in loss of population viability. The expansion of the cabin will actually expand building-related habitat for ring-necked snakes, so potential impacts are positive. Any adverse effects during project activity are not expected to have any long-term impacts on the population and there will not be any net loss of ring-necked snake habitat from this project.

Western toads can be found in a wide range of habitats from meadows to forests, including near desert springs and streams. It is possible individual toads may in the project vicinity, in areas associated with the nearby intermittent stream or the Salmon River. However, it is unlikely they will be impacted by project activities at the patrol cabin site. Disturbance resulting from cabin expansion activities may temporarily displace local individuals but overall effects will be minor and of short duration. No changes to the population or viability will be expected.

2. Floodplains, wetlands or municipal watersheds:

The District Hydrologist confirmed the project area is not located in, and will not affect any municipal watersheds. He made the following comments:

Floodplains: *The Project will not modify or occupy floodplains to an extent greater than already exists. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.*

Wetlands: *The Project does not propose to modify, occupy, or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.*

Municipal Watersheds: The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:

This project is within Management Area (hereinafter referred to as "MA") 8.1 of the 1987 Nez Perce National Forest Plan. MA 8.1 consists of the "wild" portion of the Salmon Wild and Scenic River Corridor. The general management direction for MA 8.1 for Lands Special Use Permits includes a standard which states, "Issue special use permits only where they are needed and meet the intent of the Central Idaho Wilderness Act". The Central Idaho Wilderness Act of 1980 is the Act that amended the 1968 Wild and Scenic Rivers Act to add this portion of the Salmon River to the National Wild and Scenic Rivers System. The 1968 Wild and Scenic Rivers Act states at Section 13(a): "Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife." The IF&G cabin at Mackay Bar was first permitted in 1968 prior to the 1980 Central Idaho Wilderness Act, which added the Salmon River to the National Wild and Scenic Rivers System.

Wild and Scenic River status is considered an Extraordinary Circumstance that should be considered when categorically excluding a project from further NEPA analysis in an EA or EIS. In this instance, the cabin and outhouse at Mackay Bar have been in place since 1968, prior to the Wild and Scenic River designation. The current permit does not expire until December 31, 2039. Amending the current permit to include the proposed 12 x 16 foot addition onto the existing cabin to accommodate bunkhouse space for 6 additional employees is minor in nature and does not warrant further analysis in an EA or EIS. The potential effects to the Wild and Scenic River designation of adding a 12 x 16 foot addition onto the existing cabin is minimal.

4. Inventoried Roadless areas or potential wilderness areas:

The project is not located in a potential wilderness area; therefore, the proposed action will have no effect on Roadless characteristics as identified in 36 CFR 294.

5. Research Natural Areas:

The proposed activities are not within or adjacent to any Research Natural Areas.

6. American Indians and Alaska native religious or cultural sites and

7. Archaeological sites or historical properties or areas: A "no inventory decision" has been made for this project. A cultural resources records search has been conducted and no cultural resource sites have been identified within the area of potential effects. Because of the previous adequate inventory or the type location or nature of the undertaking, the Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect historic properties.

8. Soils:

The Soil Scientist has determined:

Site is located adjacent to landslide prone slopes. Minimal ground disturbance is proposed. Project will not affect slope stability.

Interested and Affected Agencies, Organizations, and Persons Contacted

On September 30, 2013, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene tribes. Additionally, a legal notice appeared in the *Lewiston Tribune* on October 28, 2013, inviting comments for 30 days from publication. Three letters were received addressing this project during the public comment period but only one had a specific concern and is addressed in Appendix A. Project information has also been made available at <http://www.fs.usda.gov/nezperceclearwater> under NEPA projects.

III. Findings Required by other Laws:

Based on my review of the actions associated with this project, I find that the Idaho Fish and Game Cabin Improvements Project at Mackay Bar is consistent with applicable Federal laws and regulations, including the standards and guidelines contained in the 1987 Nez Perce National Forest Plan, as amended, as required by the National Forest Management Act of 1976. My decision also complies with all Federal, state and local laws or requirements for the protection of the environment and cultural resources, as follows:

National Forest Management Act and Nez Perce National Forest Plan: This action is consistent with the standards and guidelines contained in the 1987 Nez Perce National Forest Plan, as amended, as required by the National Forest Management Act of 1976. The National Forest Management Act (NFMA) and accompanying regulations require that several specific findings be documented at the project level. All proposals that involve vegetation manipulation of tree cover for any purpose must comply with the requirements found in 36 CFR 219.28. The proposed action complies with 36 CFR 219.28(c) by contributing to the achievement of desired conditions and ecological sustainability, and is necessary to protect multiple-use values other than timber production.

Forest Plan Amendment 20 - PACFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the proposed action comply with direction regarding PACFISH (refer to the project record).

Endangered Species Act: A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.

Clean Water Act and State Water Quality Laws: The ID Team Hydrologist has determined that this project complies with the Clean Water Act and state water quality laws, and will protect beneficial uses.

Clean Air Act: This project will comply with the provisions of the Clean Air Act. Any prescribed burning associated with this project will comply with state and Federal air quality regulations. Compliance with procedures outlined in the North Idaho Smoke

Management Memorandum of Agreement will result in no long term impacts to air quality. These measures protect air quality and comply with the rules, regulations, and permit procedures of the EPA and the IDEQ.

Migratory Bird Treaty Act: The proposed action will comply with the Migratory Bird Treaty Act. There will not be a measurable impact on neotropical migratory bird populations as a whole.

The project complies with the U.S. Fish and Wildlife Service Director's Order 131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, this project complies with Executive Order 13186 because the analysis meets Agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

National Historic Preservation Act: This project meets the Agency's responsibilities under the National Historic Preservation Act and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

American Indian Treaty Rights: The Nez Perce Tribal Government Liaison reviewed the project, and determined the proposed action will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

Environmental Justice: I assessed the proposed action and determined it will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities or the civil rights of any American Citizen, in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

Prime Farm Land, Range Land, and Forest Land: The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

Energy Requirements: There are no unusual energy requirements for implementing the proposed action.

Other Laws or Requirements: The proposed action is consistent with all other Federal, State or local laws or requirements for the protection of the environment and cultural resources.

IV. Review and Appeal Opportunities, and Implementation Date

Pursuant to 36 CFR 214.4(c), this decision is subject to appeal by the holder, operator or applicant directly affected by the decision.

V. Contact Person

Questions regarding this decision should be sent to Linda S. Helm, Small NEPA Team Coordinator, c/o Nez Perce Supervisor's Office, 104 Airport Road, Grangeville, Idaho 83530 or by telephone to (208) 935-4285 or facsimile transmittal at (208) 983-4042, during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m., PST).

VI. Signature of Deciding Officer



JEFF SHINN

District Ranger

Salmon River Ranger District

and

In His Capacity as Manager of the
Wild and Scenic River Corridor

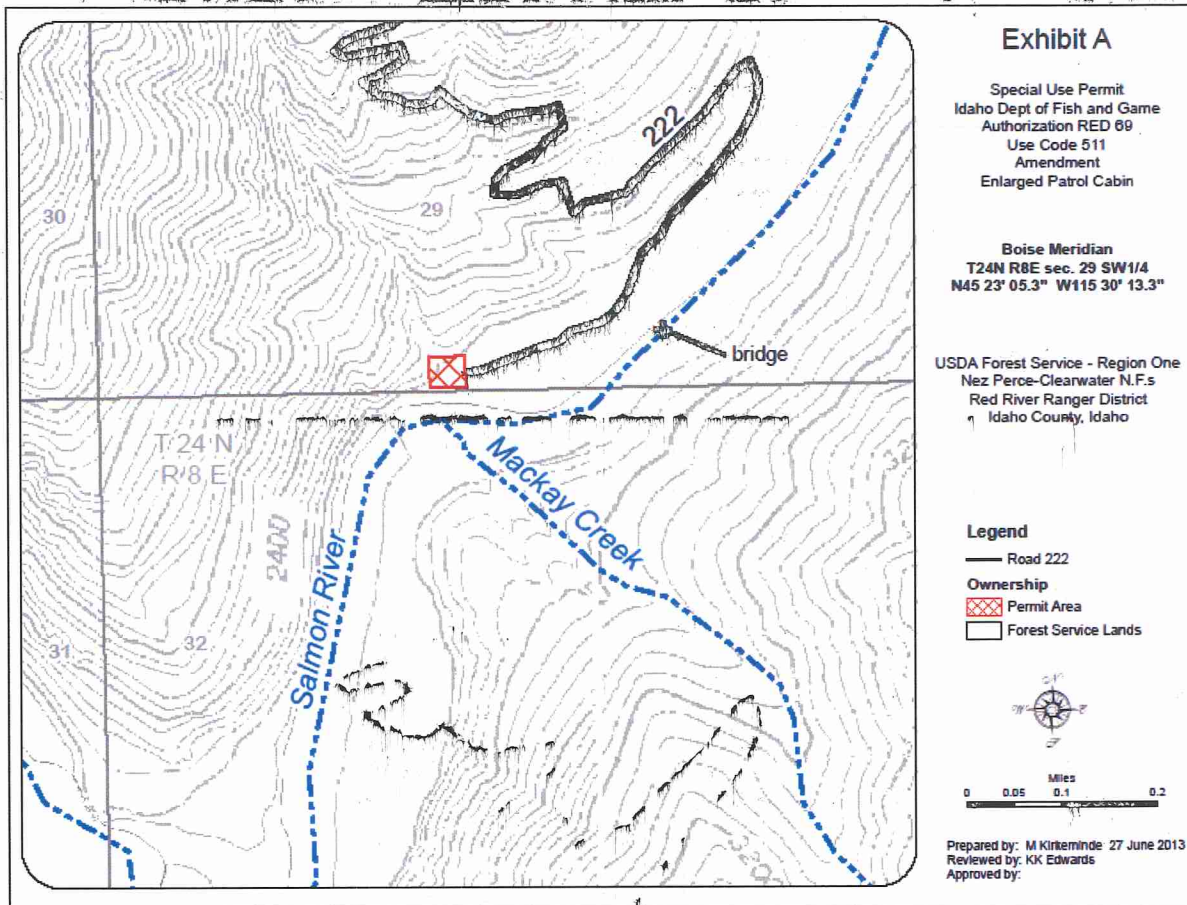
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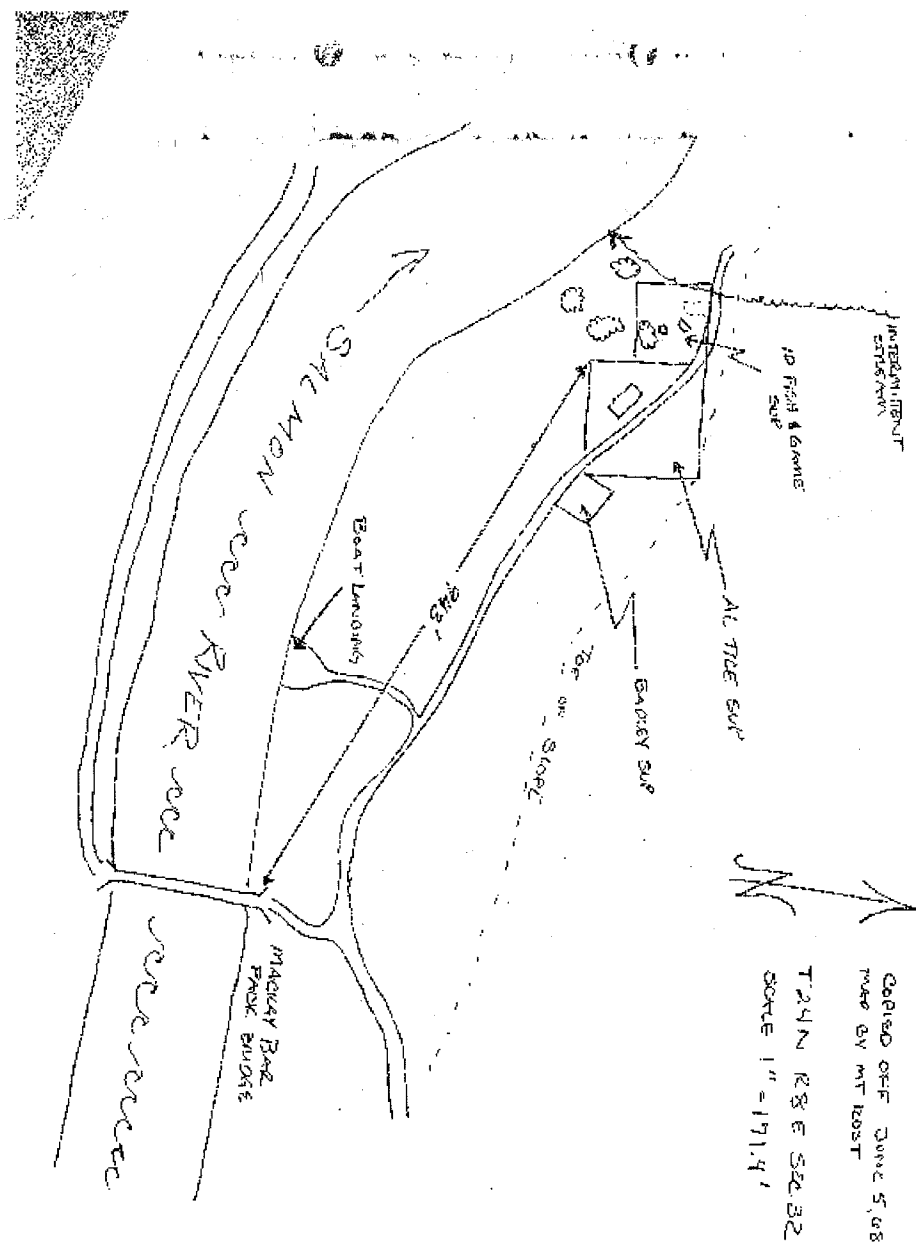
Date

Enclosures: Maps of Project Site; Appendix A

cc: Chris Wolffig

Maps of Project Site





COPIED OFF DATE 5, 08
 MADE BY MT POST
 T. 24 N R. 8 E S. 20. 32
 CORNER 1" = 171.4'

Appendix A

Response to Public Comments

On September 30, 2013, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene tribal councils. Additionally, a legal notice appeared in the *Lewiston Tribune* on October 28, 2013, inviting comments for 30 days from publication. Three letters were received specifically addressing this project during the public comment period but only one of these letters had a specific concern about it. This letter (in pertinent part) and our responses are incorporated below.

Planning Participant	Comment	Response
Gary Macfarlane Friends of the Clearwater P.O. Box 9241 Moscow, ID 8343 --and-- Board Member Alliance for the Wild Rockies	<p><i>It will seem unwise to grant this expansion until the permit comes up for renewal. This should have been addressed when the permit was reissued.</i></p> <p><i>In any case, the impacts from this project do not fit within a CE. This is not a minor modification as it is adding a new building to the permit. This is a long-term commitment of public resources and it needs to go through analysis in an EA or EIS.</i></p>	<p><i>There are no requirements directing the Forest Service to wait until the permit comes up for renewal to make changes to the existing authorization. Special Uses direction at 36CFR section 251.61 Modifications states: "(a) A holder shall file a new or amended application for a special use authorization to cover new, changed, or additional use(s) or area". IDF&G filed a request for amendment to their existing authorization in April 2013.</i></p> <p><i>The anticipated impacts from this project fit within CE Category 36 CFR 220.6(e)(3): "Approval/modification of a minor special use of NFS lands that requires less than five continuous acres of land". This requested modification fits under this CE category because the area currently permitted is approximately ¼ acre. The requested modification is for a 12'x16' cabin addition which will affect approximately 192 square feet within their currently permitted area which is less than five contiguous acres and is considered a minor special use of NFS land.</i></p>